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# THE RESEARCH REVIEW

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THE HOUSE RESEARCH DIVISION  
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Karen D. Camper took her oath of office this week to become the interim state representative from House District 87. Representative Camper was elected by the Shelby County Commission to fill the seat previously held by fellow Memphian Gary Rowe, who died in February after a brief illness.

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*Chairman Bone*

The Agriculture Committee met Tuesday to consider two bills on calendar.

The following bill was *referred to Calendar and Rules*:

**SJR 728** (Ketron, Burks / Bone)  
Endorses support for the vision of the “25 by 25” initiative whereby agriculture will provide twenty-five percent of the total energy

consumed in the United States by the year 2025. A copy of this resolution shall be transmitted to each member of Tennessee’s Delegation to the U.S. Congress.

The following bill *failed in committee*:

**HB 3296** (Vaughn) requires property owner and harvester of timber to have documentation of property boundaries. The bill failed for lack of votes.

The committee made a motion to further study timber theft in summer study.

# children & family affairs

Amelia Mitchell



*Dom. Rel. Chair Jones*

The **Children & Family Affairs Committee** met on Wednesday, April 2<sup>nd</sup> and considered the following legislation:

The following bills were referred to Calendar & Rules:

**HB 2819 by Rep. S. Jones** as amended requires authorized entities that arrange adoptions to be licensed in Tennessee and

maintain a physical office within the state.

The following bills were referred to Finance, Ways & Means:

**HB 4079 by Rep. Litz & Hawk** as amended requires court clerks to provide information concerning the impact of property settlements on credit card accounts and requires credit reporting agencies to note division of property on credit card.

The following bills were deferred one week:

**HB 2619 by Rep. Gilmore** includes juvenile detention facilities and community residential programs as special school districts under DCS. This bill also requires the Commissioner of DCS to report to the General Assembly detailing any information deemed essential to rate the effectiveness of the programs. This bill requires a child 18 years of age or older who is housed in a detention home or center for delinquent children to continue to be provided educational services.

**HB 2883 by Rep. DuBois** defines “de facto custodian” as an individual who proves that he or she has been the primary caregiver and financial supporter of a child under certain circumstances. An individual may petition the court to be declared a de facto custodian and may be awarded full or joint custody if certain standards and procedures are met.

**HB 1323 by Rep. West** requires

**HB 2960 by Rep. Richardson** requires DCS to provide post custody services to children who are 18 years or older and who choose to remain in the care of DCS voluntarily in order to receive educational training or receiving other services.

**HB 2905 by Rep. S. Jones** as amended sets up a board to oversee court reporter fees and have an entity to over see court reporters

**HB 2908 by Rep. Sherry Jones** creates the Department of Juvenile Justice and transfers all programs and services related to children adjudicated delinquent or unruly from DCS.

**HB 2820 by Rep. Sherry Jones** requires that a Guardian ad litem be appointed for a child during all stages of a contested termination or adoption matter and requires all proceedings of such to be confidential unless the confidentiality is waived by both parties. This bill also grants the court the authority to make a default finding in accordance with the Tennessee Rules of Civil Procedure when a verified answer by all parties in a termination of parental rights is not filed.

## Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, April 1<sup>st</sup>, 2008, to consider its calendar and the following bills were taken off notice:

**HB 2962 by Rep. Brown**

**HB 3323 by Rep. Brown**

**HB 3324 by Rep. Brown**

**HB 3325 by Rep. Brown**

**Family Justice Subcommittee is closed, subject to the call of the chair.**





Chairman Curtiss

**Commerce** passed seven bills out on Tuesday during its full committee meeting.

**HB 2606 (Hardaway)** was amended by the subcommittee. If a funeral home fails to surrender a dead body more than four hours after a written request is given, then the licensing board shall suspend the license of the funeral home for a minimum

of 30 days. The request must be made during normal business hours.

*[passed to Calendar & Rules]*

**HB 2763 (Fitzhugh)** as amended cleans up language in the Tennessee Prepaid Funeral Benefits Act passed last year. It removes the prohibition of irrevocable assignments of policy benefits to a funeral establishment and the prohibiting of an insurance company in assisting with irrevocable assignments.

*[passed to Calendar & Rules]*

**HB 4206 (Yokley)** revises Tennessee's long term care laws to be consistent with the current Long-Term Care Insurance Model Act of the National Association of Insurance Commissioners. It modernizes the existing law to qualify Tennessee for the Federal Long-Term Partnership Program. Two amendments were adopted to make some technical changes and to extend the continuing education deadline to 12 months from the effective date.

*[passed to Government Operations]*

**HB 3743 (McCormick)** provides for limited licensure, under certain circumstances, of non-resident contractors that live in states that do not practice reciprocity with licensees of the Tennessee Board for Licensing Contractors. Currently, states like Georgia are not giving Tennessee contractors reciprocity even though Georgia contractors receive it when working in Tennessee.

*[passed to Finance, Ways & Means]*

**HB 3102 (Curtiss)** modifies how and when notice is filed and issued on mechanic's and materialmen's liens. On improvements to one to four-family residential units, the notice must be filed within 10 days and 30 days on all other improvements to real property. An amendment was adopted that makes the bill.

*[passed to Calendar & Rules]*

**HB 4066 (Curtiss)** as amended makes changes to the health group cooperatives that can be established by small employers. For this purpose, a small employer is defined as having at least two but not more than 50 employees. The bill also establishes the powers and duties of the health group cooperative. Also, the Department must submit a report by January 1, 2011 on the effectiveness of the health group cooperatives to expanding the availability of health insurance to small employers.

*[passed to Government Operations]*

**HB 4128 (Townes)** changes the licensure renewal for several professions from every year to every two years. These professions include: home improvement contractors, collection service businesses, polygraph examiners, alarm system contractor employees, and trainers for private protective services.

*[passed to Finance, Ways & Means]*

The following bills were rolled:

**HB 3611 (Turner L.)** changes the definition of trustee under the "Tennessee Prepaid Funeral Benefits Act" to include certified public accountants.

*[rolled one week]*

**HB 1421 (McDaniel)** is better known as the Competitive Cable & Video Services Act." The bill was rolled as an amendment is being worked out.

*[rolled one week]*



Rep. McDaniel

## **Utilities, Banking and Small Business Subcommittee**

The **Utilities, Banking and Small Business Subcommittee** met Tuesday and passed two bills to the full committee.

Immediately after Commerce, the subcommittee heard from Commissioner Greg Gonzales of Financial Institutions. He presented a report on the title pledge industry. With the initial 2005 survey, there were 931 locations and 25% of those were overcharging consumers. At the end of 2007, there were 730 locations and the practice of overcharging has ceased. The Department concluded that more emphasis should be placed on financial literacy because the root of the problems for consumers is the lack of a basic understanding of financial concepts. Currently, the Department reaches out through PSAs, workshops, and partnerships with public & private entities like the Smart Tennessee program out of the University of Memphis. The subcommittee will hear any title pledge bills next week.

**HB 4127 (Cobb C)** allows a credit union to convert their charter in order to do business as another type of financial institution. Federal law already allows this, but by streamlining the process in state law this legislation will keep more banks in the state banking system. An amendment was adopted that requires that a plan of conversion by a credit union be approved in accordance with the membership approval process for a federally-insured credit union, to the extent such membership approval is applicable. This amendment also clarifies that rules must be promulgated in accordance with the Uniform Administrative Procedures Act.  
[passed to full committee]

**HB 2118 (Tidwell)** as amended creates the “Soil Scientist Licensure Act of 2008”. It outlines the criteria for becoming a licensed soil scientist. In addition, this legislation establishes the Soil Science Advisory Committee, which would be comprised of five members and will be administratively attached to the Registered Land Surveyors Board within the Department of Commerce and Insurance. The Soil Science Advisory Committee would oversee all rulemaking as well as setting the amount of fees in association with this profession. A second amendment was adopted to clarify that land surveyors are exempt from this legislation.  
[passed to full committee]

The following bills were rolled:

**HB 1322 (West)** requires licensure for providers of hospitality services by the Commissioner of Commerce & Insurance. Rep. West has offered an amendment that rewrites the bill to only require licensure if the business has five or more employees.  
[rolled for one week]

The following bills were taken off notice:

**HB 3691 (Brooks K)**

**HB 3188 (Hardaway)**

**HB 3778 (Hardaway)**

**HB 3785 (Hardaway)**

The following bills failed for lack of a second:

**HB 3435 (Rinks)**

**HB 2871 (Maddox)**

**Next week will be the last calendar for the Utilities, Banking, & Small Business Subcommittee.**

## **Industrial Impact Subcommittee**

The **Industrial Impact Subcommittee** met Wednesday and passed three bills to the full committee.

**HB 2528 (Turner M)** calls for statutorily mandated smoke detectors installed after January 1<sup>st</sup> of next year to be photo-electric (includes nursing homes, assisted-care living facilities, foster care dwellings, one-family or two-family rental units and residential buildings). An amendment was adopted to mandate the use of either the dual technology detectors or the stand-alone models as long as both ionization and photo-electric detectors are used.  
[passed to full committee]

**HB 3779 (Sargent)** as amended would prohibit health insurance carriers from requiring notice of a hospital admission within a period that is less than one business day if it would require notification on a weekend or federal holiday.  
[passed to full committee]

**HB 3883 (Shepard)** as amended would add the National Committee for Quality Assurance as an organization that could accredit utilization review agents. Currently, utilization review agents must meet state standards unless they are accredited by the Utilization Review Accreditation Commission.  
[passed to the full committee]

The following bills were rolled:

**HB 3019 (Campfield)** prohibits buildings from being treated as schools when the primary purpose of the building is not for educational activities. For instance, if a home-school group uses a room in a church, the church would not have to meet the same codes as a school. Rep. Campfield is working on an amendment with the Department of Commerce & Insurance to present next week.

*[rolled one week]*

**HB 2470 (Jones S)** deletes the current exemption that allows non-licensed individuals who derive less than fifty percent of their gross annual revenues from the sale, monitoring, installation and/or maintenance of alarm systems.

*[rolled one week]*

**HB 4203 (Gilmore)** makes various changes to the Tennessee Insurance Producer Licensing Act. It adds specific acts that are considered unfair trade practices. The amendment caps the amount for referrals to \$25, allows nonresident applicants if their state practices reciprocity, and exempts those that have been continuously licensed since 1994 from continuing education. Also, an unauthorized seller commits a fraudulent insurance act.

*[rolled for one week]*

**HB 3477 (Curtiss)** increases the inspection requirement for manufactured homes installed in the state from at least 5 percent to at least 10 percent.

*[rolled one week]*

**HB 3214 (Cobb C)** establishes certain provisions within a contract between a person or entity and a health care provider. It pertains to any original contract with an effective date of January 1, 2009 or after. Any contract in existence prior to January 1, 2009 that is renewed must comply with the provisions by December 31, 2009.

*[rolled one week]*

**HB 2504 (Mumpower)** was taken off notice.

**Next week will be the last calendar for the Industrial Impact Subcommittee.**

# conservation & environment

Jeremy Maxwell



*Chairman Buck*

The Conservation and Environment Committee met Wednesday to consider four bills on calendar.

The following bills were *referred to Calendar and Rules*:

**HB 3116** (DuBois) directs the Commissioner of Environment and Conservation to conduct a feasibility study concerning the

development of an online subsurface sewage disposal system permitting process. The commissioner is to report the findings by January 20, 2009, to House Conservation and Environment Committee and Senate Environment, Conservation and Tourism Committee.

**HB 3520** (Buck, McCord) authorizes the Tennessee Wildlife Resources Agency to enter into cooperative agreements with the Tennessee Valley Authority, U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, any other federal agency, and any public or private landowner in Tennessee for the purpose of creating partnerships for planting cover and food plots along utility easements for the benefit of wildlife.

**HB 3852** (Hawk), as amended, legalizes fox hunting in Greene County. The amended bill also includes Benton and Washington Counties, which makes the law consistent throughout the state. The amendment also adds a provision that makes it subject to all applicable rules and regulations promulgated by Tennessee Wildlife Resources Agency.

The following bill was *referred to Finance, Ways and Means as amended*:

**HB 2508** (Mumpower) removes the requirement that a driver of a golf cart on paved roads in state campgrounds possess a valid driver license. The second amendment states that nothing in this provision shall

prohibit TDEC from requiring a valid driver's license for the operation of golf carts on state park property. The third amendment makes the costs of signs alerting visitors that golf carts are authorized permissive and not required.

## **Wildlife Subcommittee**

The Wildlife Subcommittee met Tuesday to consider five bills on calendar.

The following bills were *referred to full committee*:

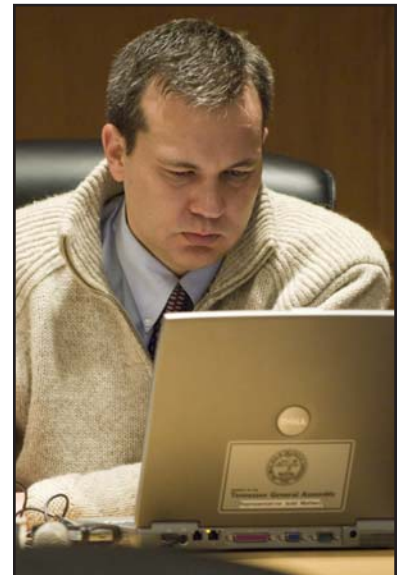
**HR 255** (M. Turner) creates special house committee to study commercial fishing and musseling in Tennessee.

**HB 3072** (McCord) prohibits knowingly feeding or providing food to bears, except as permitted in legal harvest of bears.

**HB 3339** (Matheny), as amended, transfers jurisdiction of the Off-Highway Vehicle Act from Tennessee Wildlife Resources Agency to the Department of Environment and Conservation. The first amendment includes the hold-harmless provision, which holds a

person cannot sue the landowner if that person is injured on the landowner's land. An off-highway vehicle professional or any other person, which shall include a corporation or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of off-highway vehicle activities. The second amendment rewrites the bill which includes the liability provision.

The intent of the general assembly is to encourage off-highway vehicle activities by limiting the civil liability of those facilitating or providing access to such activities. Amendment four states an off-highway vehicle may be



*Rep. Matheny*



seized and impounded in connection with an arrest for a violation of this part committed on public lands. The fifth amendment expands the definition of an off-highway vehicle to include any off-road motorcycles, three or four-wheel all-terrain vehicles, four-wheel-drive motor vehicles intended by the user or owner to be used in recreational pursuits, or dune buggies.

**HB 1148** (Buck, McCord), as amended, increases criminal penalty for taking wildlife without a license from Class C misdemeanor to Class B misdemeanor and states that the minimum fine imposed for a conviction of computer-assisted remote hunting is \$200. The amended bill adds language to the bill authorizing the Tennessee Wildlife Resources Commission to change the expiration date of the hunters apprentice license from the end of the license year to a period of one year from the date of issuance.

The following bill was *deferred to summer study*:

**HB 1864** (Watson)

#### **Parks and Tourism Subcommittee**

The Parks and Tourism Subcommittee did not meet this week.

#### **Environment Subcommittee**

The Environment Subcommittee met Wednesday to consider nine bills on calendar.

The following bills were *referred to full committee*:

**HJR 781** (DuBois) creates a special joint committee to study the creation of a state water authority to regulate water distribution among cities, counties, and other local governments. The committee shall report its findings and recommendations to the 106th General Assembly no later than February 15, 2009, at which time the committee shall cease to exist.

**HB 3775** (Windle) exempts persons applying for oil and gas well permits from provision of law requiring governmental entities to notify interested persons of proposed projects or actions prior to issuing such permits.

**HB 3895** (Gilmore) exempts persons applying for subsurface sewage disposal system permits from provision of law requiring governmental entities to notify

interested persons of proposed projects or actions prior to issuing such permits.

#### **HB 4198**

(McDonald), as amended, rewrites the bill enacting the “Tennessee Non-Coal Surface Mining Law” and makes minor technical modifications to the original version. It includes a sample agreement to be entered into by

persons engaging in rock harvesting that is to be signed by the land owner and harvester. Such would allow rock harvesting without placing the harvester under the oversight provided by this bill. Also, the Department of Environment and Conservation shall begin promulgating rules relating to rock harvesting on July 1, 2009.

**HB 3708** (Brooks, K) requires any complaint served for a violation of the Water Quality Control Act to state with specificity evidence that any water that is impacted by the cause of the complaint is water that will affect groundwater quality.

The following bill was *deferred one week*:

**HB 3521** (Buck) authorizes the commissioner of the department of environment and conservation to issue stop work orders for violations of the Water Quality Control Act or for activities that threaten public safety.

The following bills were *taken off notice*:

**HB 3977** (Hackworth)

**HB 3965** (Buck)

The following bill *failed for lack of votes*:

**HB 3348** (McDonald)

**The Environment Subcommittee will meet before the full committee next Wednesday to take action on HB 3521.**



*Env. Chair Gilmore*

# consumer & employee affairs

Lucy Wilson



*Chairman McDonald*

## **Consumer & Employee Affairs Committee:**

### ***Passed to Finance, Ways and Means***

**HB 2571 by Curtiss** defines the American Medical Association's Guide for Impairment Ratings as the fifth edition instead of the most recent edition. The two amendments that passed with the bill would allow the Commissioner of

Labor & Workforce Development to delay implementation of the guide to study the impact the new edition might have on the workers' compensation system. The Commissioner has six months before he/she makes the decision to implement or not. And he/she is required to report the decision and to share information from the results of the study including the reason for any decision to delay implementation to both the Joint Workers' Compensation Oversight Committee and the Workers' Compensation Advisory Council.

### ***Passed to Calendar and Rules***

**HB 3436 by Rinks**, with the attached amendment, contains changes that address workers' compensation issues pertaining to the statute of limitations; dismissals of dormant requests for benefit review conferences; administrative review of specialist's orders; and, other issues.

**HB 4175 by Litz** gives volunteer firefighters who work all night fighting a fire or who are on call to take the following day off from work as a vacation day or sick leave day without loss of pay in certain circumstances. An amendment adopted on the bill makes the provisions permissive and removes

authorization for an employee to sue for reinstatement and back pay.

### ***Taken Off Notice***

**HB 4023 by Niceley** prohibits the diminution in value of gift cards and gift certificates. This bill was taken off notice.

### ***Rolled One Week to the April 8, 2008 Calendar***

**HB 3807 by Lollar**  
**HJR 765 Turner M**  
**HB 2852 by Maddox**  
**HB 3834 by Johnson P**  
**HB 3180 by DeBerry J**  
**HB 4044 by Towns**  
**HB 4153 by Ferguson**  
**HB 2522 by Turner M**  
**HB 3006 by Turner M**

## **Employee Affairs Subcommittee**

### ***Passed to Full Committee***

**HB 3848 by Mumpower** limits the ability to negotiate medical fees that are lower than the workers' compensation comprehensive medical fee schedule. The changes in the law would require a DIRECT contract between the payor of medical services with the specific medical provider if rates lower than the Medical Fee Schedule are to be paid.

**HB 3170 by Buck** is rewritten by the amendment following the bill to require an employer to provide a panel of three physicians and a panel of three surgeons in the event the employee requires surgical intervention as a result of the injury. The bill makes it clear that if an employee requires surgery he/she is entitled to receive a



*Rep. Litz*

panel of three specialists (surgeons) from which to select the operating physician.

**HB 3929 by Hood** requires the Department of Labor and Workforce Development to preserve the confidentiality of the identity of the state or local governmental agency, officer, employee, or entity who files a complaint regarding employment of illegal aliens. The first amendment following the bill clarifies that the information rendered confidential by this bill may be discovered by a subpoena from a court of record.

A second amendment following the bill adds an exemption to the confidentiality requirement in cases where the person who filed the complaint consents in writing to the disclosure or the information is subpoenaed pursuant to a contested case hearing.

This amendment defines “personal identifying information,” which this bill will require to be kept confidential, to include but not be limited to a person’s home, school, or work address, telephone numbers, social security numbers, driver license number, name, or any other information that would lead to the identity of the person.



*Rep. Moore*

**HB 3263 by Moore** prohibits mandatory communications relative to religious or political matters in employment settings. It prohibits employers from requiring employees to participate in an employer-sponsored meeting or participate in mandatory communication with an employer if the purpose is to communicate the opinion of an employer concerning

religious or political matters. If an employee is discharged, disciplined or otherwise penalized for failure to attend such a meeting or communicate in such a manner with the employer, the bill provides a private right of action if such action is filed within 180 days of the alleged violation.

**HJR 1006 by Hackworth** urges retirement benefit adjustments for retired United States Department of

Energy Oak Ridge prime contractor employees. This bill was amended to add two additional counties, Union and Clay.

### ***Taken Off Notice***

**HB 3699 by Cobb C** authorizes the Commissioner of Commerce and Insurance to provide by rule for alternative systems of securing self-insured employers’ aggregate liabilities through self-insurers security funds. An amendment following the bill creates in more detail an alternative security system.

**HB 3358 by Hood** creates an unemployment compensation fraud reporting incentive program, defines misconduct to include criminal conduct, requires loss of benefits for fraudulent conduct, punishes fraud in same manner as theft, limits number of unexcused absences or incidences of tardiness, and makes various other changes to unemployment security law.

**HB 3892 by Rowland** creates a system for reporting unemployment compensation fraud; includes criminal conduct in definition of misconduct; mandates loss of benefits for fraudulent conduct; classifies fraud in same manner as theft for determining class of criminal offense; establishes limits on number of unexcused absences or incidences of tardiness; and makes various other changes to unemployment security law.

### ***Rolled One Week to the April 8, 2008 Calendar***

**HB 4160 by Ferguson**  
**HB 3710 by Fitzhugh**  
**HB 3706 by Brooks K**  
**HB 4140 by McDonald**

### **Consumer Affairs Subcommittee**

This committee is closed subject to the call of the Chair.



*Chairman Winningham*

The House Education Committee met on Wednesday. Committee action follows.

Referred to Calendar & Rules:

**SJR 659 – (Crowe)** extends support for the restoration of the football program at East Tennessee State University.

Referred to Calendar & Rules, if amended:

**HB 3393 – (DeBerry, L.)** rewrites the bill that all institutions of the University of Tennessee system or the board of regents system that collects personal information for directories shall include a form where students may indicate that the student does not want to receive solicitations, offers, or other advertisements by any means based on the directory information. Credit card issuers cannot recruit potential student cardholders or customers for credit on campus, higher education facilities, or through student organizations. Gifts or other promotional incentives to entice students to apply for credit are unlawful. Any funds received by an institution from credit card distribution are to be reported to the select oversight committee on education by October of each year. No state or federal revenue appropriated or received by an institution shall be used to offset or replace any funding from any credit card issuer that is lost, decreased, or foregone because of the provisions of this act. Any increase in expenditures from this act shall be funded from revenues received by an institution from the credit card issuer.

**HB 3051 – (Winningham)** requires that directors of schools file an acceptable use policy for the Internet with the commissioner of education. The filed plan must have local school board approval. The commissioner of education is to biennially submit a report to the chairs of the education committees of each house.

**HB 2775 – (Pruitt)** rewrites the bill to urge directors and local boards of education to make every effort, for grades kindergarten through twelve, to staff teaching positions with fully licensed and endorsed personnel.

Referred to Government Operations:

**HB 2989 – (Bone)** rewrites the bill to establish the Tennessee Rural Veterinary Services (TRVS) Program, an incentive program for University of Tennessee college of veterinary medicine graduates. The program is to provide encouragement, opportunities, and economic incentives to establish a practice in underserved rural Tennessee communities and meet the needs of livestock producers. Each year of continuous full-time provision of veterinary service in an under-served area makes a recipient eligible to receive the annual incentive award. On or before February 15 of each year the University of Tennessee shall report to the general assembly its findings on the performance and success of the program.

The following are Lottery bills deferred 1 week:

**HB 4179 – (Maddox)**

**HB 9 – (Hawk)**

**HB 1475 – (Fitzhugh)**

**HB 2065 – (Maddox)**

**HB 4039 – (Winningham)**

**HB 4210 – (Winningham)**

**HB 2418 – (Moore)**

**HB 4130 – (Winningham)**

**HB 4212 – (Winningham)**

**HB 3478 – (Hawk)**

**HB 3488 – (Winningham)**

**HB 3742 – (Winningham)**

**HB 3210 – (Overbey)**

Deferred 1 week:

**HB 2779 – (Cooper)**

**HB 2859 – (Winningham)**

**HB 3268 – (Maddox)**

**HB 4029 – (Harwell)**

**HB 2642 – (Hardaway)**

**HB 2471 – (Jones, S.)**

**HB 3418 – (Shaw)**

The following bills were referred to the K-12

Subcommittee and are to be on that calendar, April 8:

**HB 3773 – (Maddox)**

**HB 3774 – (Hawk)**

**HB 9335 – (Montgomery)**



**HB 4002 – (Jones, U.)**  
**HB 4018 – (Montgomery)**  
**HB 4059 – (Jones, U.)**  
**HB 3189 – (Hardaway)**  
**HB 4052 – (Towns)**

Taken off Notice:  
**HB 4150 – (Odom)**

### **Higher Ed Subcommittee**

The Higher Subcommittee met on Wednesday to consider its last calendar. Action follows.

Referred to Full Committee:  
**HB 4016 – (Armstrong)** adds the speakers of the two houses, or their designee, to the University of Tennessee's board of trustees.

Taken off Notice:  
**HB 4078 – (Fitzhugh)**  
**HB 3603 – (Sontany)**  
**HB 4135 – (Ferguson)**  
**HB 3017 – (Campfield)**

**The Higher Education Subcommittee completed its work and closed, subject to the call of the chair.**

### **K-12 Subcommittee**

The K-12 Subcommittee met on Tuesday and took the following actions on its calendar.

Referred to Full Committee:  
**HB 3703 – (Brooks, K.)** exempts from the School Support Organization Financial Accountability Act school



*Rep. C. Johnson*

support groups intending to raise \$30,000 or less.

**HB 3794 – (Johnson, C.)** creates an exemption from the School Support Organization Financial Accountability Act as it pertains to property pledged as collateral for a loan.

**HB 4071 – (Johnson, C.)** authorizes school

boards to adopt a less specific policy for school support organizations that raise less than \$10,000 in a calendar year.

**HB 4095 – (Coley)** directs the department of education to establish a grant for eligible non-profit organizations that provide civic education programs.

**HJR 932 – (Dunn)** requests the department of education to develop lesson plans for parents in conjunction with the Books from Birth program.

Referred to Full Committee, if amended:  
**HB 2651 – (Hackworth)** as amended, rewrites the bill to encourage each LEA to investigate if any special hazard zones are present within all walking routes used by children going to and returning from school.

**HB 3280 – (Maddox)** as amended,, rewrites the bill that no school board may terminate without cause, enter into a new contract, or amend an existing contract of any director of schools during a period from forty-five (45) days prior to the general board election until thirty (30) days following such election.

**HB 3123 – (Cooper)** as amended, rewrites the bill to require the Tennessee board of regents with the department of labor and workforce development to establish a one-year pilot project that provides evening classes for adult students in career and technical education.

Referred to the Select Oversight Committee on Education:  
**HB 2686 – (Hawk)** requires all LEAs to provide driver education.

Deferred 1 week:  
**HB 3073 – (McCord)**  
**HB 3076 – (McCord)**  
**HB 3074 – (McCord)**  
**HB 4089 – (Maddox)**  
**HB 2956 – (Harwell)**  
**HB 3125 – (Montgomery)**  
**HB 1872 – (Hawk)**

Deferred to last Calendar:  
**HB 2756 – (Gresham)**

Taken off Notice:  
**HB 2556 – (Hackworth)**  
**HB 2649 – (Hackworth)**  
**HB 2923 – (West)**

**HB 4036 – (Buck)**  
**HB 3760 – (Todd)**  
**HB 3826 – (McCord)**

**Special Initiatives Subcommittee**

The Special Initiatives Subcommittee met on Wednesday and took the following actions.

Referred to Full Committee:

**HB 4169 – (Gilmore)** provides that the commissioner of education may waive class size limits on a yearly basis for certain career and technical education courses.

Deferred 1 week:

**HB 3425 – (Odom)**  
**HB 3426 – (Odom)**  
**HB 3427 – (Odom)**  
**HB 3428 – (Odom)**  
**HB 3429 – (Odom)**  
**HB 3857 – (McCord)**

Taken off Notice:

**HB 3430 – (Odom)**  
**HB 3431 – (Odom)**  
**HB 3920 – (Rinks)**  
**HB 3313 – (Brown)**



# finance, ways & means

Julie Travis & Patrick Boggs



*Chairman Fitzhugh*

## **Week of March 31st, 2008:**

On Tuesday, April 1<sup>st</sup>, the full Finance Committee met and considered fourteen bills and the actions are as follows:

### Bills Referred to Calendar & Rules:

#### **HB 705 (McCord)**

– This bill adds geothermal heating and cooling for the required disclosures for contractors bidding on projects.

**HB 1168 (Sontany)** – This bill authorizes the Board of Veterinary Medical Examiners to certify persons trained in the chemical capture of animals. It also adds a penalty for unlicensed individuals to engage in the chemical capture of animals.

**HB 2343 (Moore)** – This legislation enacts the “Fire Safety Standard and Firefighter Protection Act.” It requires cigarette manufacturers to only sell certified fire-safe cigarettes within the state. It creates within the general fund a “Reduced Cigarette Ignition Propensity and Firefighter Protection Act Enforcement Fund” funded by fees submitted by cigarette manufacturers certifying that their cigarettes are indeed safe under the provisions of this act. Such fees will fund the state fire marshal’s oversight ensuring that cigarettes sold are indeed fire-safe. The committee amended the bill to require the Uniform Administrative Procedures Act to govern the hearing and judicial review of contested cases arising under the provisions of this act.

**HB 2517 (Fitzhugh)** – This bill increases the maximum income that disabled homeowners are able to make to be eligible to receive assistance on their property taxes. Future increases will be tied to increases in the Social Security cost of living adjustments. This brings this level of income into line with what elderly persons must make to be able to receive assistance.

**HB 2613 (J. Cobb)** – This bill names a segment of U.S. 11 in Loudon County the “Trey Lefler Memorial Highway.” The committee amended the bill to require Loudon County to pay for the erection of the signage.

**HB 2798 (Buck)** – This bill names a segment of S.R. 53 in Smith County the “Lt. Colonel Linden Lee Gill Highway.” Non-state funds shall be reimbursed to the department for the cost of the signage.

**HB 2800 (Buck)** – This bill names a bridge on S.R. 141 in Smith County the “PIC Woodrow Wilson Winfree Memorial Bridge.” The signage will be paid out of the highway fund in accordance with T.C.A. §54-1-133 as this individual was killed in the line of duty in World War II.

**HB 2803 (Sontany)** – This bill creates the Tennessee Animal Abuser Registration, Tracking, and Verification Act of 2008. Offenders of felony aggravated animal cruelty, animal fighting, or bestiality will have to register with the TBI in a similar manner as those individuals who must register as sexual offenders. Such registry will be maintained on the internet, and such persons on the registry will have to forward information regarding moves that they make. After ten years without a secondary conviction related to animal abuse, offenders will be removed from the registry.

#### **HB 3793 (Sargent)**

– This bill requires the State Treasurer and his subordinates to maintain the confidentiality of information regarding audits for unclaimed property. The committee adopted an amendment to remove the possibility of a prison sentence for violation of the provisions of the bill, thereby removing the fiscal impact of the legislation.



*Rep. Sargent*

**HB 3833 (Vaughn)** – This legislation requires who are under eighteen years of age and have had an accident or moving violation and have had their drivers’ licenses suspended to file and maintain proof of financial responsibility with the Department of Safety.

**HJR 908 (Crider)** – This bill designates a segment of U.S. 70A/79 in Gibson County the “James Howard Appleton/Margaret Hopper Crider Memorial Highway.” The cost to erect the signs will be paid for by Gibson County.

**HJR 938 (Baird)** – This resolution requests the Tennessee Valley Authority to approve the construction of the Campbell County Lighthouse Lodge and Convention Center.

#### Bills Rolled One Week:

**HB 1645 (Mumpower)** – The committee heard testimony from Commissioner Neeley of the Department of Labor & Workforce Development about the legislation before rolling the bill.

#### Bills rereferred to Budget Subcommittee:

**HB 3633 (Favors)**

#### Budget Subcommittee

The Budget Subcommittee met on Wednesday, April 2<sup>nd</sup>, and considered fifty-two bills on its calendar and addendum. The results are as follows.

#### Bills Referred to the Full Committee:

**HB 2994 (Overbey)** – This bill raises the minimum age from fourteen (14) to fifteen (15) that a teenager must be to obtain an M-limited motorcycle license to operate a motorcycle.

**HB 2568 (Curtiss)** - This legislation forbids former governors or former members of the General Assembly from receiving health insurance benefits if the official is convicted of a felony related to malfeasance in office out arising out of conduct committed while in office.

**HB 3147 (J. DeBerry)** – This bill expands courts’ authority when appointing attorneys for juveniles and authorizes courts to assess a fee when appointing counsel for indigent adults accused of certain crimes involving the supervision or abuse of minors.

**HJR 737 (Gilmore)** – This resolution urges Congress to adopt mandatory full funding of the Department of Veterans’ Affairs.

**HB 2424 (Hardaway)** – This bill permits Shelby County and its’ municipalities to give properties seized for back taxes to non-profits to develop affordable housing even if the non-profits do not pay back taxes on the properties.

**HB 2740 (Hardaway)** – This bill designates a section of I-240 in Shelby County the “Musician Memorial Highway.” The City of Memphis must pay for the signage.

**HB 2966 (Hardaway)** – This bill names U.S. 78 in Shelby County the “Rosa Parks Memorial Highway.” The subcommittee amended the bill to require the City of Memphis to pay for the erection of the signage.

**HB 3867 (Hood)** – This bill allows counties to employ fire marshals, if they so desire.

**HB 2911 (S. Jones)** – This bill, as rewritten by the subcommittee, makes an escape or attempted escape by a juvenile from a place of detention that is not a “secure detention facility” as defined by the current law, a misdemeanor offense.

**HB 3943 (Lynn)** – This bill requires LEAs to grant teachers up to ten days of leave to visit a spouse, child, or parent who has been deployed on military duty out of the country and is on R&R leave.

**HB 3940 (Lynn)** – This bill states that any public water and wastewater utility that has satisfied the bonding requirements of the TRA does not have to duplicate bonding efforts with local governments.

**HJR 336 (Maddox)** – This resolution will name a bridge on S.R. 840 in memory of Sgt. Dustin D. Laird who died in service in Iraq.

**HB 3772 (McCord)** – This bill creates a bill of rights for water pollution control permit applicants.

**HB 4184 (McCord)** – This bill requires the Department of Environment and Conservation to report certain information to the General Assembly.

**HB 4041 (Moore)** – This bill requires the State Building Commission to adopt the Green Globes standard, and requires at least two Green Globes on new state construction. The subcommittee adopted an amendment that corrects typos in the printed bill.





*Rep. Yokley*

Memorial Highway.” Fentress County must reimburse the state for the cost of the signage.

Bills Rolled One Week:

**HB 3638 (Coleman)**  
**HB 2801 (Buck)**  
**HB 649 (M. Turner)**  
**HB 3301 (Vaughn)**  
**HB 2776 (Baird)**  
**HB 4106 (Bass)**  
**HB 3891 (Gresham)**  
**HB 2723 (Richardson)**  
**HB 3405 (Watson)**  
**HB 583 (DuBois)**

Bills Rolled Two Weeks:

**HB 3321 (Brown)**  
**HB 2587 (Overbey)**  
**HB 2427 (Hardaway)**  
**HB 2909 (S. Jones)**  
**HB 4048 (Towns)**  
**HB 4046 (Towns)**

Bills Rolled to the Calendar on Election Issues:

**HB 1280 (Lynn)**

Bills Rolled to the Study Committee Subcommittee:

**HB 2063 (Maddox)**

Bills Placed Behind the Budget:

**HB 1957 (Armstrong)**

**HB 3915 (Rinks) –**  
This bill requires public and private institutions of higher education in the state to take reasonable attempts to prevent copyright infringement over computer networks at the respective schools.

**HJR 927 (Windle)**  
– This resolution names a segment of U.S. 127 in Fentress County the “Edward (Dooley) Hood

**HB 3722 (Fitzhugh)**  
**HB 3523 (Fitzhugh)**  
**HB 2886 (Bone) w/ Budget Sub Amdt. #1**  
**HB 2569 (Curtiss)**  
**HB 3958 (Curtiss) w/ Budget Sub Amdt. #1**  
**HB 2718 (Fincher)**  
**HB 2663 (Hackworth)**  
**HB 2603 (Hardaway)**  
**HB 3515 (U. Jones)**  
**HB 1875 (McDonald) w/ Budget Sub Amdt. #1**  
**HB 4042 (Mumpower)**  
**HB 2939 (Windle)**  
**HB 3483 (Yokley)**

Bills Taken Off-Notice:

**HB 4058 (Armstrong)**  
**HB 4190 (Hardaway)**

Failed for Lack of a Second:

**HB 2478 (Overbey)**

# government operations

Kristina Ryan



*Chairman Kernell*

## Bills that were rolled for one week:

**HB 3802 (Pitts)**  
**HB 4158 (Pitts)**  
**HB 3191 (Hardaway)**  
**HB 2965 (Hardaway)**  
**HB 2964 (Kernell)**

The following bills were before the committee for rulemaking purposes only and were sent to the Finance, Ways and Means Committee:

**HB 2855 (S. Jones)**  
**HB 3197 (S. Jones)**  
**HB 3211 (Gilmore)**  
**HB 3111 (Hood)**  
**HB 4011 (Armstrong)**  
**HB 3964 (Curtiss)**

The following bills were before the committee for rulemaking purposes only and were sent to Calendar & Rules:

**HB 4116 (Cobb)**  
**HB 4199 (Harmon)**

The committee reviewed and referred **HB 2633 by Representative Todd** to the Finance, Ways and Means Committee. The bill, as amended, would establish the Tennessee Athletic Commission that would license and regulate professional boxing and mixed martial arts. The

bill also details the composition and appointment of this commission as well as outlining the powers and duties that this commission will have.

**HB 4104 by Representative Pruitt** was reviewed and referred to Calendar and Rules. Under this legislation, there will be a sixty day renewal period of time after the expiration date of a health care facility license. If the facility fails to renew their permit within the sixty day time period, they will be required to reapply for licensure.

**HB 2949 by Representative Lynn** was reviewed and referred to the Finance, Ways and Means Committee. The bill, as amended, would require all entities that regulate professions to notify license holders and persons applying for a license of all changes in applicable laws. In addition, this bill would allow the entity to email the changes to the license holder. When an individual initially applies for a license or is renewing their current license, the entity will notify them where they can look up these changes in the law via the internet.



*Rep. Lynn*

**HB 4099 by Representative Richardson** was reviewed and referred to the Finance, Ways and Means Committee. This Administration bill rewrites the Interstate Compact for Juveniles. This Compact is to help facilitate the tracking and transport of juvenile delinquents from state to state as well as finding nondelinquent juveniles that are runaways. The Compact currently has 33 members state and will be ratified when the membership has 35 members. The revised Compact would establish the Interstate Commission for Juveniles. This commission would have one voting "commissioner" from each member state, and each member will be appointed by the respective governors of each member

state according to the rules of each member state. Interested parties will be allowed representation on the board; however, they will not be voting members. The powers and duties of this Compact would include collecting information regarding the tracking of juveniles, providing education to officials as to the protocol of properly dealing with these juveniles, and the commission will be able to levy an annual assessment against each compacting state in order to cover the costs of the administration of the commission. In addition, the commission will be delegated rulemaking authority in order to implement the provisions of this compact.

### **Sunset Bills**

The following sunset bills were approved and sent to Calendar and Rules:

**HB 2690 (Kernell) – Wastewater Financing Board**  
– re-authorized until June 30, 2014.

**HB 2693 (Kernell) – State Forestry Commission** –  
re-authorized until June 30, 2012.

**HB 3221 (Kernell) – Tennessee Higher Education Commission** – re-authorized until June 30, 2012.

**HB 2696 (Kernell) – Terminates the Public Health Council**

**HB 3219 (Kernell) – Tennessee Regulatory Authority** – re-authorized until June 30, 2013.

**HB 3541 (Kernell) – Tennessee Emergency Management Agency** – re-authorized until June 30, 2012.

**HB 3240 (Kernell) – Interstate Earthquake Compact of 1988** – re-authorized until June 30, 2012.

**HB 3553 (Kernell) – Southern Regional Emergency Management Assistance Compact** – re-authorized until June 30, 2015.

**HB 3595 (Kernell) – Civil Defense and Disaster Compact** – re-authorized until June 30, 2012.



*Chairman Armstrong*

The **Health & Human Resources Committee** met Tuesday morning, April 1, 2008, to consider 14 bills and two joint resolutions. **HB 3267**

(**Maddox**) was rolled two weeks at the request of the sponsor. **HB 3298 (Vaughn)** as amended that requires any person dispensing a prescription drug to a person 60 years of

age or older to indicate on the label of the container the condition for which the medicine is prescribed if requested by the prescriber, patient, or patient's caregiver, grants immunity from liability to the dispenser, and exempts inpatients of health care facilities and incarcerated person from the provisions of the legislation was referred to C&R. **HB 1633 (Tindell)** was rolled one week at the request of the sponsor. **HB 3264 (Moore)** as amended that revises criminal background check requirements (from conditional, post-employment to pre-employment) for anyone who is employed by or volunteers with a child care agency, or who is 15 years of age or older and resides in a child care agency was referred to C&R. **HB 2945 (Lynn)** as amended that removes reference to the Joint Commission on Accreditation of Health Care Organizations from current law related to licensing of a home medical equipment provider was referred to Government Operations. **HB 3382 (DeBerry, J.)** as amended that expands provisions of existing statute to authorize a mental health outpatient services recipient or person receiving ongoing treatment with a community mental health care provider to designate certain family members or other persons to receive information regarding their treatment was referred to C&R. **HB 3311 (Maggart)** as amended that requires health care facilities, as part of their infection control program, to

perform a local risk assessment for methicillin-resistant *Staphylococcus aureus* (MRSA) in the facility and provides that hospitals, nursing homes, and other health care facilities should communicate MRSA status of patients transferred to other facilities was referred to C&R. **Rep. M. Turner** rolled **HB 3838** one week. **HB 4105 (Favors, Odom)** that deletes existing requirements mandating the Department of Health approve the prophylaxis used to treat the eyes of a newborn and that the newborn's condition be reported to the local health officer was referred to C&R. **HB 4196 (Favors, Odom)** that authorizes the Board of Nursing to split into panels consisting of three or more Board members to hear contested cases or disciplinary matters was referred to C&R. **HB 4200 (Shepard, Odom)** as amended that makes various changes and additions to the Post-Mortem Examination Act; authorizes the appointment of three deputy state medical examiners (one from each grand division of the state); requires the Chief Medical Examiner to provide training to all county medical examiners and investigators; requires all facilities that perform autopsies to be accredited by the National Association of Medical Examiners (NAME) by June 30, 2009; establishes a statewide method of appointing county medical examiners; expands the reporting of deaths to the county medical examiner to include additional types of death; specifies that medical records of deceased persons, law enforcement investigative reports, and images of deceased persons are not public records; and, creates a nine-member Tennessee Medical Examiner Advisory Council was referred to Government Operations. **HB 3146 (DeBerry, L.)** was rolled one week at the request of the sponsor. **HJR 1024 (Armstrong)** that urges and encourages the Department of Health to review its current immunization program and that pneumococcal vaccine for children entering child care should be added to the list of required vaccinations was referred to C&R. **SJR 0676 (Senator Ramsey)** was taken off notice at the request of the sponsor. As committee time expired, **Chairman Armstrong** rolled his two bills, **HB 2637** and **HB 4012**, one week.



## Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** held its **final meeting of 2008** on Wednesday, April 2, 2008. There were no bills on calendar, and the Health Care Facilities Subcommittee is now closed subject to the call of the chair.

## Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met Wednesday afternoon April 2<sup>nd</sup> to consider eight bills on the **final calendar** and addendum. Five bills were referred to full committee, and the Professional Occupations Subcommittee is now closed subject to the call of the chair. **HB 3921 (Rinks)** as amended requires each pharmacy participating in centralized prescription processing be licensed by the Board of Pharmacy. **HB 3206 (DeBerry, J.)** as amended requires the Board of Pharmacy to regularly notify licensed pharmacies and pharmacists of changes to be implemented or enforced by the Board that affect the licensee, to establish links on the Board's website to the statutes, rules, policies, and guidelines that affect the licensees, and to mandate that licensees maintain at their practice sites a copy of the Tennessee Board of Pharmacy statutes, rules, policies, and guidelines. **HB**



*Rep. Turner*

3644 (**Turner, M.**) delays until July 1, 2008, the requirement for a person seeking to become a radiology assistant to complete an advanced academic program and extends the period in which a person who practiced as a radiology practitioner assistant in Tennessee prior to December 31, 2007, can be certified by the Board of Medical Examiners to December 31, 2009. **HB 3110 (Hood)** as amended requires all prescriptions written or printed to be written on tamper-

resistant prescription paper that meets current Centers for Medicare and Medicaid Services Guidance to State Medicaid Directors and TennCare requirements for tamper-resistant prescription paper; prohibits a pharmacist from filling a prescription from a Tennessee provider unless issued on tamper-resistant prescription paper; prescriptions written by veterinarians and prescriptions written for inpatients or incarcerated persons are exempt from the provisions of the amendment. **HB 3294 (Vaughn)** as amended defines *adult emergency dental services* and includes such services within the health care safety net for the uninsured. The amendment adds adult emergency dental services and referral of adult emergency dental cases to private practice dentists reimbursed at the current TennCare dental fee schedule when services are not available through a county health department to the list of efforts that should be given priority.

In other action, **Rep. M. Turner** took **HB 3649** off notice. **HB 3985 (Windle)** was referred to summer study at the request of the sponsor. **HB 3651 (Odom)** was taken off notice at the request of the sponsor.

## Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met immediately following adjournment of the full committee on April 1<sup>st</sup> and on Wednesday afternoon, April 2<sup>nd</sup> to consider 16 bills on the regular calendar and addendum; 10 were referred to full committee. **HB 1883 (Overbey)** as amended authorizes a mandatory outpatient mental health treatment pilot program in Knox, Blount, and Anderson counties for adults with serious and persistent mental illness and adults with co-occurring alcohol and drug addiction. The pilot project will commence on July 1,



*Rep. Overbey*

2008, and be in effect for two years and may be extended; there will be a maximum 100 adults treated through the pilot project at any given time; the pilot project will include a safety center in Knox County; and, a report on the pilot project will be submitted to both Health committees on January 1, 2011. **HB 2481 (McDonald)** as amended requires all child care agencies to establish a drug testing policy for employees, directors, licensees, operators, and contract employees. The provisions of the amendment apply to new employees on or after July 1, 2009, and to current employees if reasonable suspicion exists; the individual being tested will pay for the drug test; and, child care agencies will maintain drug testing records for five years. **HB 2502 (Jones, S.)** as amended creates a Council on Children's Mental Health Care organized by the Tennessee Commission on Children and Youth to design a plan for a statewide system of mental health care for children and develop a financial resource map and cost analysis of all federal and state funded programs that support and serve children's mental health needs. **HB 3083 (McCord)** as amended revises various provisions of the state's minimum health standards for rental premises; increases the maximum amount of weekly rental payments to qualify as a tenant (for purposes of filing a complaint) from \$50 to \$200; extends the period of time within which the building inspector or health department representative is required to inspect a building following the filing of a complaint from within 10 days to within 14 days; defines *third party complainant* to specify who would be authorized to file a third party complaint; exempts monthly rental agreements from the provisions of the amendment; requires the Department of Health to report by March 1, 2009, on the number of complaints received and investigations required by this legislation; and, sunsets the provisions of the legislation on July 1, 2009. **HB 3161 (DeBerry, J.)** prohibits a child care center or agency from providing instruction in personal safety related to the prevention of child sexual abuse to a child unless a parent or guardian has provided written consent and requires the Department of Human Services to develop a standard consent form and make available a curriculum guideline addressing personal safety, including a component related to the prevention of child sexual abuse. **HB 3295 (Vaughn)** as amended authorizes the Commissioner of Health to require rural and metro county health departments with existing dental staff and facilities receiving state or federal funds

to provide indigent children with comprehensive dental services and indigent adults with emergency dental services. **HB 3903 (Fitzhugh)** enacts the "Tennessee Stroke Registry Act of 2008" that requires the Department of Health to maintain a statewide stroke database that compiles information and statistics on stroke care. **HB 3907 (Richardson)** requires amendment of a birth certificate upon receipt of a sworn statement from a licensed medical professional indicating that the gender of a person has changed. **HB 4047 (Townes)** requires any individual who tests positive for latent tuberculosis infection be reported to the Department of Health and be treated accordingly. **HB 3805 (Kernell)** deletes existing prohibition on changing the sex of an individual on the birth certificate as a result of sex change surgery.

In other action, **HB 1444 (Rowland)** was taken off notice at the request of the sponsor. **HBs 3384, 3758, 3759 (Maggart)** were taken off notice at the request of the sponsor. **HB 3409 (DeBerry, J.)** was taken off notice at the request of the sponsor. **HB 3621 (Matheny)** was taken off notice.

After completing the regular calendar, the Public Health & Family Assistance Subcommittee began considering the special calendar for long-term care bills. First on the calendar, **HB 4144**, the "Long-Term Care Community Choices Act of 2008," (**Ferguson, Odom, DeBerry, L.**) was presented by Rep. Ferguson, with representatives from TennCare responding to members' questions. Discussion on HB 4144 will continue next week. The remaining bills on the special calendar were rolled; HBs 0941, 1023, 1025, 3338, 3495, 3496.



*Rep. Ferguson, Rep. DeBerry*



Chairman Coleman

The Full Judiciary Committee met to consider twenty-nine bills.

*The following is a list of bills approved for passage to Calendar & Rules:*

**HB 1591 by Rep. Bone**, as amended, grants limited tort liability to non-governmental independent contractors or other persons or entities

that enter into agreements with the regional transportation authority (“RTA”) and is only provided when such entities are performing or providing rail transit services, facilities, or functions deemed to be the functional equivalent of the RTA. There is no protection for gross negligence in the performance of the contract or agreement. Limit for tort exposure for such an entity will be two million dollars (\$2,000,000) for bodily injury or death of any one person in any one accident, occurrence or act and thirty million dollars (\$30,000,000) for bodily injury or death of all persons in any one accident, occurrence, or act rising or which occurred during July 1, 2008 until June 30, 2013. It rises to three million dollars (\$3,000,000) for bodily injury or death of any one person in any one accident, occurrence or act and fifty million dollars (\$50,000,000) for bodily injury or death of all persons in one accident, occurrence or act arising occurring between July 1, 2013 until June 30, 2018. Also, the RTA is required to maintain a self insurance retention fund in a minimum amount of one million dollars (\$1,000,000) up to an amount not to exceed two million dollars (\$2,000,000).

**HB 2499 by Rep. Odom**, as amended, prohibits the disclosure of home telephone and personal cell phone numbers from the personnel records of any state, local, or other public employee. Also, residential information, including the street address, city, state and zip code of any state employee is to be treated as confidential. The residential street address for any county, municipal or

other public employee is not to be disclosed. The distinction between the state employee and the county employee as it relates to the disclosure of residential information is made because there may be residency requirements for local government employees.

**HB 2833 by Rep. Shepard**, as amended, permits a court to order funds under ten thousand dollars (\$10,000) that are being held on behalf of a minor, to be delivered all or in part to either of the parents if the court finds that such order would best serve the welfare of the minor if the guardians of the minor are the parents of the minor and divorced or legally separated.

**HB 3736 by Rep. Pitts**, as amended, permits a financial institution to file with the court a copy of notice of refusal to comply with a defective subpoena. The notice must contain on its face specific language stating that the notice shall suspend issuance of any order to show cause to compel a response. Receipt of such notice by the clerk will serve as notice to the court that it must not issue an order to show cause or compel the financial institution to respond to the defective subpoena. However, the court can issue an order once the subpoena meets the necessary requirements.

**HB 2917 by Rep. Maggart**, as amended, removes a sentencing court’s jurisdiction to order work release as part of the sentence of a person convicted of a sexual or violent sexual offense. Also, the bill provides that no person convicted of a sexual offense or violent sexual offense shall be eligible for any work release program offered by the correctional facility in which the offender is housed. It defines work release to include any assignment to a work crew in which a prisoner is permitted to go out into the community, but doesn’t include a work assignment to TRICOR or any TRICOR facility.

**HB 2668 by Rep. Hackworth**, as amended, creates the Uniform Interstate Depositions and Discovery Act.

**HB 2589 by Rep. J. DeBerry** creates a Class B misdemeanor offense for any person to intentionally display in a threatening manner an imitation firearm in a public place. There are a number of defenses to this offense including, but not limited to the following: displayed in the course of commerce such as film or for service or repair; theatrical productions; in conjunction



with professional or amateur sporting events or competition; military or civil defense activities.

**HB 2632 by Rep. J. DeBerry** exempts a person with the legal authority to carry a weapon from prosecution for the misdemeanor offense of unlawful possession of a weapon.

**HB 831 by Rep. Swafford**, as amended, requires a judge to impose on a DUI offender the following conditions: participation in an alcohol and drug safety DUI school and/or a drug offender school program if available; and a drug and alcohol assessment or treatment; or of the court deems it appropriate the service is available, both a drug and alcohol assessment and treatment, with cost of such service being paid by the offender unless indigent, in which case the cost or some portion may be paid from the alcohol and drug addiction treatment fund. The judge also may order the offender to attend a victim's impact panel program.

**HB 4125 by Rep. Sontany** authorizes counties to expand uses of funds collected from DUI fines to mental health treatment facilities, to organizations whose primary mission is to educate the public on the co-occurring disorder of both alcohol and drug abuse or mental illness, to specialized court programs and specialized court dockets which supervise offenders who suffer from alcohol and drug abuse or co-occurring disorder of both alcohol and drug abuse and mental illness and to organizations that operate co-occurring programs for the homeless or indigent.

**HB 2888 by Rep. Coleman**, as amended, ensures that the Tennessee Investment Services Act of 2007 will not prohibit collection of certain debt incurred in regard to certain domestic relations matters. It provides that limitations on actions by creditors would not apply if the transferor is indebted on account of a court order for past due child support, past due alimony in solido of a spouse or a former spouse, past due alimony or support of a spouse or former spouse or a written agreement, judgment, or order of a court for division of marital property of a spouse or former spouse.

**HB 2598 by Rep. Coleman** deletes the enhanced punishment for the offense of DUI where a minor passenger is killed or suffers serious bodily injury so that the driver commits vehicular homicide or vehicular assault regardless of the age of the passenger.

**HB 2597 by Rep. Coleman**, as amended, removes the two (2) hour time window in which a test for alcoholic or

drug content of a person's blood must be administered to be admissible as evidence.

**HR 0288 by Rep. Buck** commences removal proceedings for Mr. Bill Gibson District Attorney General for the Thirteenth District who is currently suspended from the practice of law and receiving compensation for duties he is unable to fulfill.

List of bills approved for passage to the Finance Committee:

**HB 2655 by Rep. Hackworth** requires Anderson County to collect a dollar (\$1.00) filing fee in addition to the general filing fees collected by court clerks to be used for security of court facilities.

**HB 2657 by Rep. Hackworth**, as amended, authorizes Anderson County, Greene County and Rutherford County's legislative body to increase the litigation tax from ten dollars (\$10.00) to twenty-five dollars (\$25.00) with the funds to be used exclusively for court house security. Also, it authorizes Cocke County to assess a privilege tax on litigation in an amount not to exceed twenty-five dollars (\$25.00).

**HJR 836 by Rep. Hardaway** creates a special joint committee to study issues relating to the investigation and prosecution of unsolved civil rights crimes and cold cases from the civil rights era. The special committee will consist of three (3) house members and three (3) senate members. The special committee must report its findings and recommendations to the 105<sup>th</sup> General Assembly no later than January 15, 2009.

**HB 852 by Rep. Eldridge**, as amended, requires any driver charged with leaving the scene of an accident when such person knew or should've reasonably known that death resulted from the accident in addition to a charge of vehicular assault, vehicular homicide or aggravated vehicular homicide to serve any sentence consecutively.

**HB 3091 by Rep. Hill** includes vehicular homicide and aggravated vehicular homicide to the list of offense for which a defendant must serve one hundred percent (100%) of the sentence imposed by the court less sentence credit earned.

**HB 2601 by Rep. Bass** requires individuals convicted of first offense driving under the influence to spend a minimum of seven (7) consecutive days in confinement instead of forty-eight (48) hours if at the time of the offense such person has a blood alcohol concentration



("BAC") of fifteen hundredths of one percent (.15%) or more. Currently, a person with a BAC of twenty hundredths of one percent (.20%) or more serve a minimum period of confinement of seven (7) days.

**HB 3991 by Rep. DuBois**, as amended, creates a Class E felony for an assault on a law enforcement officer by a person who knows or has reason to know the person is a law enforcement officer and knowingly and without permission removes or causes to be removed a chemical irritant weapon, impact weapon, handcuffs, or flex cuffs from the officer's possession or deprives officer of its use. The bill creates a Class D felony for removing or causing to be removed a firearm or stun weapon from the possession of the law enforcement officer or deprives the officer of its use. The bill creates a Class B felony offense for aggravated assault on a law enforcement officer.

**HB 2876 by Rep. DuBois** creates a new Class D felony for the fifth (5) or subsequent DUI conviction punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifteen thousand dollars (\$15,000) and confinement for not less than three hundred and sixty (360) consecutive days, to be served day for day, nor more than the maximum punishment authorized for the appropriate range of a Class D felony. Also, the court shall prohibit the person from driving a motor vehicle for a period of five (5) years.

**HB 4213 by Rep. Coleman**, as amended, creates the Tennessee Administrative License Revocation Act of 2008. It provides for a quick administrative revocation of a person's driving privileges if it is determined that the individual was driving under the influence of alcohol or drugs beyond the legal limits or refuses a breathalyzer test.

#### Bills rolled for one week:

HB 2469 by Rep. S. Jones  
HB 3162 by Rep. S. Jones  
HB 3661 by Rep. Niceley  
HB 1722 by Rep. Rowland  
HB 4197 by rep. Fincher  
HB 3628 by Rep. Fincher

#### Civil Practice & Procedure Subcommittee

The Civil Practice and Procedure Subcommittee met to discuss thirty-three items on its calendar.

The following house bills were approved for passage to the Full Judiciary Committee:

**HB 4107 by Rep. Bass** establishes a procedure for converting unpaid probation and parole fees into a civil judgment. The board may retain an agent to collect or establish an in-house collection procedure to collect unpaid supervision fees. The agent may be paid no more than forty percent (40%) of sum collected as payment for service.



*Civil Chair Fincher*

#### **HB 2412 by Rep.**

**Buck**, as amended, authorizes the court to grant a petitioner's request for land an additional fifteen feet wider than what is permitted by statute for the purpose of extending utility lines. The court has the power to grant an amount not to exceed twenty-five feet wide, and only fifteen feet in counties with a metropolitan form of government. It requires such a person who possesses an ingress and egress easement or who already has been granted a petition for a private road and determines the need for additional land file a petition requesting the additional land.

**HJR 0809 by Rep. Coleman** removes the fifty dollar (\$50.00) fine limit that can be assessed to any citizen of the state without a jury. This resolution requires the General Assembly to prescribe the maximum fine amount that may be assessed without a jury.

**HB 3199 by Rep. Coleman**, as amended, clarifies fees for a continuance are to be collected at the conclusion of a case and such fees are not discretionary.

**HB 186 by Rep. Fincher** increases from \$4,000 to \$8,000 the amount of medical expenses that constitute prima facie evidence that such expenses were reasonable and necessary. Requires that it be presumed that all charges for medical treatment by a licenses health care provider, hospital, pharmacist or other licensed health care entity are reasonable and customary charges for services. Such a presumption may be rebutted by a party challenging the reasonableness of charges with competent proof to the contrary.

**HB 2153 by Rep. Fincher**, as amended, makes the Criminal Injuries Compensation Act more accessible to victims of hit and run.

**HB 2650 by Rep. Hackworth**, as amended, creates the Tennessee Medical Malpractice Reporting Act.

**HB 2661 by Rep. Hackworth**, as amended, limits a volunteer crisis response team member who participates in a crisis intervention liability for personal injuries or infliction of emotional distress caused by an act or omission occurring during the course of the crisis intervention.

**HB 2473 by Rep. S. Jones**, as amended, authorizes eligible persons to have access to a cemetery or to graves on private property for the purpose of visiting, maintaining the grave site, burying human remains in a plot by those granted burial rights and conducting genealogical research. An eligible person includes family members, descendants and close friends of deceased persons buried in such cemetery, and persons engaging in genealogical research. In order for a friend or a researcher to enter private property, such person must have been specifically designated in writing by a member of the family or a descendant of the deceased. Entry upon the land must occur at a reasonable time, under reasonable circumstances and in a reasonable manner as determined by the landowner. A landowner that allows access to property owes the same duty of care to eligible person as that required on landowners who allow access for recreational activities. Therefore, there is no duty of care except for gross negligence, willful or wanton conduct that results in a failure to guard or warn against a dangerous condition, use, structure or activity.

**HB 3735 by Rep. S. Jones**, as amended, clarifies that to violate an order of protection or a restraining order. The court has to have made specific findings of fact in the order of protection or order that the person committed domestic abuse, sexual assault or stalking.

**HB 2834 by Rep. Shepard** increases from \$4,000 to \$25,000, which is the current jurisdictional limit for general sessions court, the amount of medical expenses that constitutes prima facie evidence that such expenses were reasonable and necessary in a civil action.

**HB 3765 by Rep. Overbey**, as amended, Under the Tennessee Investment Service Act, limitations on actions by creditors in law or equity will not apply nor extinguish creditor's claims if the transferor is indebted because of an agreement or court order for past due child support,

past due alimony in solido of spouse or former spouse, past due alimony or support of a spouse or former spouse, or written agreement or order for division of marital property of a spouse or former spouse.

**HB 3850 by Rep. Montgomery** prohibits the disclosure of home addresses, dates of birth, telephone numbers for home and personal cellular phone of any state and local government employee.

**HJR 0808 by Rep. Coleman** authorizes the General Assembly to increase the maximum fine amount that may be assessed without a jury from fifty dollars to five hundred dollars.

The following is a list of bills rolled 1 week:

HB 2166 by Rep. Briley  
HB 1108 by Rep. Buck  
HB 4154 by Rep. Coleman  
HB 4171 by Rep. Ferguson  
HB 2492 by Rep. Fincher  
HB 2721 by Rep. Fincher  
HB 2662 by Rep. Hackworth  
HB 4076 by Rep. Hackworth  
HB 2461 by Rep. Litz  
HB 4053 by Rep. Rinks  
HB 4050 by Rep. Towns  
HB 1359 by Rep. L. Turner  
HB 560 by Rep. DuBois  
HB 3305 by Rep. Lynn  
HB 2746 by Rep. Lundberg  
HB 3763 by Rep. Overbey

Off notice:

HB 4103 by Rep. Odom  
HB 584 by Rep. DuBois  
HB 2907 by Rep. DuBois

**Criminal Practice  
& Procedure  
Subcommittee**

The Criminal Practice and Procedure Subcommittee heard eighty-eight bills. Criminal Practice and



*Criminal Chair Santany*

Procedure Subcommittee is closed subject to the call of the chair. House bill 3137 by Rep. Bass was rolled to October 25, 2012.

*The following is a list of bills that were approved for passage to the Full Judiciary Committee:*

**HR 263 by Rep. Todd** urges Congress to reauthorize forensic DNA grants.

**HB 43 by Rep. H. Brooks**, as amended, requires a person sentence to DUI to confinement in jail for not less than forty-eight (48) hours nor more than eleven (11) months and twenty-nine (29) days, and as a condition of probation to remove litter from state highways or state-aid highways for a period of twenty-four (24) hours. Each offender ordered to remove litter shall be required to wear a blaze orange or other color written on the back of the vest with the words “I am a drunk driver.”

**HB 436 by Rep. DuBois** requires the TBI to establish and maintain an electronic purchase log of methamphetamine precursor sales throughout the state.

**HB 816 by Rep. Lollar** increases from a Class B to a Class A misdemeanor the punishment for the offense of illegal possession or fraudulent use of a credit or debit card.

**HB 955 by Rep. Maggart** requires the TBI sexual offender and violent sexual offender registration form to include the number of different victims involved in the offender’s convictions.

**HB 957 by Rep. Maggart** requires resident sexual offenders to obtain and carry a driver license or photo identification card that identifies them to law enforcement as a convicted sex offender. Failure to carry such a card by these individuals is punishable as a Class E felony.

**HB 2143 by Rep. Sontany** increases the penalty for cock fighting from a Class A misdemeanor to a Class E felony. Also, the bill increases the penalty for being a spectator at an animal fight from a Class C misdemeanor to a Class A misdemeanor.

**HB 2465 by Rep. S. Jones**, as amended, defines the statement adversely affects the child’s health and welfare to include the natural effects of starvation or dehydration under the child abuse and child neglect or endangerment statute. Also, it permits the state to introduce evidence as to the negative short term or long

term effects of starvation or dehydration on human development to show that the conduct resulted in adversely affecting the child’s health.

**HB 2539 by Rep. Fincher** prohibits the postponement, delay, or cancellation of an execution if the court declares lethal injection to be unconstitutional.

**HB 2585 by Rep. Overbey**, as amended, requires sex offenders to provide internet account information on the sex offender registry and to notify their registering agency within three (3) days of any changes to such information.

**HB 2596 by Rep. Coleman** changes the meaning of “in this state” for the purpose of committing a Class E felony for operating a motor vehicle while prohibited from doing so because of violation of the Motor Vehicle Habitual Offender’s Act.

**HB 2600 by Rep. Bass** increases from a Class A misdemeanor to a Class E felony the penalty for theft of property valued at five hundred dollars (\$500) or less for a third or subsequent violation.

**HB 2604 by Rep. Hardaway** increases the penalty for the offense of arson from a Class C felony to a Class B felony and sets a minimum period of incarceration for arson of a place of worship at ten (10) years and aggravated arson at fifteen (15) years.

**HB 2609 by Rep. Hardaway** provides that a court or parole board may impose as a condition of release for an offense against a minor subject to sex offender registry requirements restrictions on the offender’s computer use by either prohibiting certain activity or requiring the offender to register certain information such as email addresses and other identifying information.

**HB 2646 by Rep. Pitts**, as amended, adds criminal offenses of including, but not limited to criminal battery by an authority figure, solicitation of a minor, exploitation of a minor by electronic means if the victim is less than thirteen years of age, aggravated rape of a child, statutory rape by an authority figure as they relate to treatment and evaluation under the Sex Offender Treatment Board.

**HB 2733 by Rep. Coleman** extends the reporting period established for the special committee created to study the administration of Tennessee’s death penalty system until October 1, 2009.

**HB 2844 by Rep. DuBois** elevates the punishment for the killing of a law enforcement officer committed in the perpetration of or attempt to perpetrate any felony.

**HB 2860 by Rep. Floyd** creates a presumption of a flight risk when bail is set for an illegal alien.

**HB 2906 by Rep. S. Jones**, as amended, prohibits a petitioner for an order of protection from being required to pay any filing fees, litigation costs or other costs associated with the petition if the petition is dismissed for failure to serve the respondent and the petitioner accurately provided any information known to petitioner requested by the clerk.

**HB 2918 by Rep. Maggart**, as amended, requires the TBI to obtain a copy of a sex offender's death certificate prior to removing such offender from the sexual offender registry. Also, it requires sex offenders convicted prior to January 1, 1995 to remain on the registry for five (5) years from August 1, 2007, or the date the person first registered with the registry, whichever is later, before petitioning for removal.

**HB 2967 by Rep. Hardaway**, as amended, creates a Class B misdemeanor for a person to leave a child younger than five (5) years of age without being supervised by a person who is at least thirteen (13) years of age on the property.

**HB 3038 by Rep. Dunn** authorizes the use of the district attorney generals' fraud and economic crime fund to provide compensation to victims of cemetery plot fraud.

**HB 3099 by Rep. Curtiss** creates a Class C misdemeanor for selling more than ten (10) tickets per individual to a single public entertainment or amusement event and to sell the ticket for more than the face value of the ticket.

**HB 3109 by Rep. Dunn**, as amended, makes it an offense for any person to receive money for the purpose of obtaining or paying for services, labor, material or equipment and knowingly fails to apply such money for such a purpose by either failing to complete the improvements for which the funds were provided or knowingly failing to pay for such services. A violation of this constitutes an unfair or deceptive act or practice.

**HB 3148 by Rep. J. DeBerry**, as amended, adds additional offenses to what constitutes a dangerous felony to include criminal attempt, first degree murder,

second degree murder, aggravated assault, aggravated robbery, aggravated arson, and burglary.

**HB 3203 by Rep. Coleman** authorizes municipal courts to suspend a person's driver's license for violating a traffic ordinance.

**HB 3244 by Rep. Kernell** authorizes a victim of a violent crime in which property is taken to have access to their phone records, bank records, and credit card information.

**HB 3406 by Rep. Buck**, as amended, requires the bondsman or surety to present to a presiding court in a timely manner all documentation evidencing that the detainer was properly filed or refused, or that the detaining authority released the principal.

**HB 3410 by Rep. Buck**, as amended, requires fifteen dollars (\$15) of the handgun carry permit application fee to be allocated to the sheriff of the county where the applicant resides for the purpose of verifying the truthfulness of the applicant's answers on the application.

**HB 3506 by Rep. U. Jones**, as amended, prohibits participation in work release programs by an offender who has one or more prior convictions for felonies committed against a person or property within the preceding 120 months.

**HB 3512 by Rep. U. Jones** creates an additional fine of twenty-five dollars (\$25) for the offense of drag racing and earmarks it for the Traumatic Brain Injury Fund.

**HB 3513 by Rep. U. Jones** includes text messaging and facsimile transmissions in the Class A misdemeanor offense of harassment by electronic communication.

**HB 3606 by Rep. Todd** authorizes the TBI, without a request from the district attorney general, to make investigations in connection with matters pertaining to fugitives, corruption of or misconduct by a public official, employees or prospective employees of the bureau, fraudulent conduct involving the social security administration, organized crime activities, victimization of children by means of a computer or other electronic device.

**HB 3650 by Rep. M. Turner**, as amended, requires a scrap metal processor who purchases a motor vehicle for parts to maintain records for three (3) years of every vehicle bought or sold, dismantled or exchanged. The



purchasing processor must require the seller of the vehicle to show proof of ownership by showing the title.

**HB 3652 by Rep. Cooper** authorizes the Office of District Attorney General to notify victims of crime of their rights by email.

**HB 3657 by Rep. J. DeBerry**, as amended, requires those who commit the offense of aggravated robbery to serve fifty percent (50%) of sentence less credits earned.

**HB 3666 by Rep. Bass**, as amended, makes it an offense to possess a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony. It makes it an offense to discharge a firearm during the commission of a dangerous felony, attempt to commit such felony, flight or escape from the commission of the dangerous felony or flight and escape from the attempt to commit the dangerous felony. Sentence shall be served consecutive. Offender will not be eligible for pretrial diversion, probation, community correction, participation in a drug court program prior to serving the entire mandatory minimum sentence.

**HB 3718 by Rep. Gresham** creates a Class B misdemeanor offense for a person to knowingly create or transfer false identification for the purpose of obtaining or maintaining employment if the person for whom employment is being obtained or maintained is an illegal alien.

**HB 3719 by Rep. Gresham**, as amended, makes it a Class A misdemeanor for a person to knowingly be involved in the creation or transfer of false identification for the purpose of obtaining employment for an illegal alien.

**HB 3902 by Rep. Shaw**, as amended, clarifies that a county can fund more than one program to assist victims, provided no such program may be funded unless the provider organization offers services to victims free of charge.

**HB 3925 by Rep. Sontany**, as amended, authorizes the treasurer to award an annual grant to the district attorney general's conference for domestic violence and drug enforcement program operations in an amount not to exceed that specified in the general appropriations act each fiscal year.

**HB 4001 by Rep. U. Jones**, as amended, strongly encourages every law enforcement agency to adopt a

written policy prohibiting racial profiling on or before January 1, 2010.

**HB 4098 by Rep. S. Jones** corrects an internal cross reference in the definition of child abuse.

**HB 4110 by Rep. Harmon** expands the list of aggravating circumstances for a sentence of death or life without parole to include the murder of a probation and parole officer.

**HB 4111 by Rep. Fincher** requires TBI to establish a fee schedule for fingerprint searches.

**HB 4112 by Rep. Hardaway** creates a Class A misdemeanor for knowingly or willingly reporting or causing, encouraging, aiding, or counseling another to make a false report of abuse, sexual abuse, neglect or the exploitation of an adult.

**HB 4147 by Rep. Sontany** imposes a hundred dollar (\$100) drug testing fee to be assessed upon conviction of the Tennessee Drug Control Act.

**HB 4155 by Rep. Sontany** authorizes an investigator of the TBI without a request from the District Attorney General to make a traffic stop in an emergency situation.

**HB 4163 by Rep. Fincher**, as amended, broadens the definition of critical stages of the criminal justice process for purposes of notifying victims under the victims' rights constitutional amendment to include any hearing on a motion to dismiss.

The following is a list of bills that failed for a lack of a second motion:

HB 28 by Rep. H. Brooks  
HB 2432 by Rep. Hardaway  
HB 2683 by Rep. Dunn  
HB 3411 by Rep. Lynn

Off notice:

HB 272 by Rep. Mumpower  
HB 797 by Rep. Casada  
HB 927 by Rep. DuBois  
HB 1030 by Rep. Todd  
HB 2728 by Rep. Favors  
HB 2780 by Rep. Tindell  
HB 2847 by Rep. DuBois  
HB 2877 by Rep. DuBois  
HB 2968 by Rep. Hardaway

HB 3153 by Rep. Cobb  
HB 3245 by Rep. Miller  
HB 3333 by Rep. Coleman  
HB 3334 by Rep. Coleman  
HB 3342 by Rep. Matheny  
Hb 3514 by Rep. U. Jones  
HB 3627 by Rep. Bass  
HB 3683 by Rep. Hill  
HB 3733 by Rep. Coleman  
HB 3786 by Rep. Hardaway  
HB 3938 by Rep. Hill  
HB 4049 by Rep. Towns  
HB 4070 by Rep. C. Johnson

Summer Study:

HB 702 by Rep. McCord  
HB 2431 by Rep. Hardaway  
HB 2625 by Rep. Hardaway  
HB 3141 by Rep. Maggart  
Hb 3622 by Rep. Watson  
HB 3639 by Rep. Kernell  
HB 3751 by Rep. Todd

# state & local government

Lawrence Hall, Jr.



*Chairman Jones*

the Board of Directors of the Tennessee Education Lottery Corporation

**-HB 3800 by Curtiss** - Requires rural electric cooperatives to comply with open meetings law and public records law.

**-HB 3104 by Curtiss** – This gives the water and wastewater financing board the authority to lower and set the rate of certain subscribers receiving water service directly from a municipality in certain circumstances.

**-HJR 0960 by Hood** – This bill creates the office of “Storytelling Laureate” and designates Ernest McConnell as first Storytelling Laureate.

**-HJR 0116 by Gilmore** – This bill requests department of correction to review National Bill of Rights for Children of the Incarcerated and update the 1995 report on Children and Families of Incarcerated Felons.

*Finance, Ways and Means:*

**-HB 3059 by Lundberg** – This bill creates a Class B misdemeanor offense of consuming alcoholic beverage while driving motor vehicle on public highway and Class C misdemeanor offense of possessing open container of

This week in State and Local Government full committee there were forty-five bills on the calendar. The committee passed five bills to Calendar and Rules and eight bills to Finance, Ways and Means.

*Calendar and Rules:*

**-HJR 0933 by Fincher** – This resolution confirms Garry W. McNabb to

alcoholic beverage within passenger area of motor vehicle on public highway.

**-HB 2450 by Fitzhugh** - Adds honorably discharged veterans to those qualifying for reduced admissions to special exhibits at the Tennessee state museum.

**-HB 3725 by Fitzhugh** - Revises provisions under the Tennessee State

Revenue Sharing Act, regarding TVA payment in lieu of taxes, governing allocation to the University of Tennessee for use in operating the county technical assistance service.-

**-HB 2742 by Hardaway** - Adds director of Title VI compliance commission as a member of governor’s cabinet.

**-HB 3270 by Cobb C** - Authorizes a development district to construct a building for its own use.

**-HB 3687 by Tindell** - Creates a pilot project to be implemented by the state election coordinator in one or more municipalities holding a municipal election in 2009 to determine whether convenient voting centers could successfully be established for local and state elections.

**-HB 1895 by Rinks** – This bill revises the provisions related to computerized voting systems, contested elections, alleged tempering with ballots or voting machines, post election audits, and retention of certain information.

**-HB 3441 by Rinks** – This bill makes various changes to election laws, including when 30th day before election falls on Sunday, Saturday, or legal holiday, applications for registration shall be accepted and processed through the 29th day before the election.



*Rep. Lundberg*

*Rolled Bills:*

HB 3186 by Hardaway – Last Calendar  
HB 2608 by Hardaway – Last Calendar  
HB 1282 by Lynn – Off Notice  
HB 1918 by Rinks – Off Notice

All other bills were rolled to next week's calendar.

**State Government Subcommittee**

This week in State Government subcommittee the committee considered seventeen bills. Nine bills were passed to full committee to be heard next week. **State Government subcommittee will be conducting its last meeting next week.**

*Full Committee:*

**-HJR 1022 by Odom** – This bill establishes procedures for the exercise of powers and duties of the governor during a period of disability.



*Rep. Mumpower*

**-HB 2513 by Mumpower** – This bill requires the Tennessee lottery corporation to use numbered balls in selecting lottery winners.

**-HJR 1023 by Mumpower** - Urges state agencies to offer mandated training and educational seminars via distance technologies.

**-HB 2583 by Harmon** - Extends select oversight committee on corrections for four years.

**-SJR 0535 by Herron** - Expresses support for the Ecumenical Patriarchate in Turkey.

**-HB 3766 by Maddox** – This bill requires the secretary of state to continue to publish printed bound volumes of public and private acts.

**-HJR 0793 by Jones S** - Proposes an amendment to Article II, Section 28 of the Tennessee Constitution to

authorize counties and municipalities to adopt a resolution or ordinance to create a program of tax abatement for historic property.

**-HJR 1008 by Gilmore** - Urges passage of HR 808 to create a “United States Department of Peace.”

**-HB 3795 by McDaniel** – This bill revises the membership and duties of Tennessee state veterans’ homes board.

*Off Notice:*

HB 2512 by Mumpower – Off Notice  
HB 3599 by Hardaway – Off Notice

All other bills were rolled to next week's calendar.

**Local Government Subcommittee**

*Full Committee:*

This week in Local Government subcommittee there were twenty-seven bills on the calendar. Thirteen were passed to full committee for consideration next week. Local Government will close in two weeks.

**-HB 2659 by Hackworth** – This bill requires the register of deeds in Anderson County to notify county property assessor when a land use restriction on property owned by US department of energy indicating contamination has been filed.

**-HB 3159 by Jones S** – This bill requires certain procedures for privatizing fire and related services.

**-HB 2982 by Litz** - Expands definition of “urban type public facilities” to include fire protection and emergency medical services in all counties.

**-HB 2953 by Lynn** - Imposes a duty upon certain county officials to take certain actions to ensure that idle county funds earn a competitive rate of return.

**-HB 3190 by Hardaway** – This bill changes the benchmark for compensating a full-time county mayor. This bill also requires all county mayors to devote full time to the county mayor's office.

**-HB 3926 by Sontany** - Places a limitation on the additional \$2.00 privilege tax authorized for Davidson County that the tax may only be collected for a maximum of 30 consecutive nights of occupancy.



**-HB 3871 by Fitzhugh** – This bill revises various provisions under the Agricultural, Forest and Open Space Land Act.

**-HB 4069 by Turner M** - Authorizes all county trustees to permit retired homeowners to pay quarterly installments on property taxes for a primary residence.

**-HB 3927 by Lundberg** - Requires certain members of municipal planning commission serving as regional planning commission to be appointed by the county legislative body served by such regional planning commission.

**-HB 2544 by Brooks H** – This bill allows the school boards of each county, municipal, and special school district to establish ethical standards used to govern their respective school district.

**-HB 3952 by Yokley** - Revises firefighter pay supplement to not more than 5 percent of a qualified firefighter’s annual salary.

**-HB 3128 by Yokley** - Directs the code commission to change all references of “tax assessors” to “assessors of property” as sections are amended or volumes are replaced.

**-HB 3439 by Rinks** – This bill revises the number of parcels for calculating the minimum staff required to assist the county assessor of property.

*Off Notice, Study or Last Calendar:*

HB 3955 by Mumpower – Off Notice

HB 2425 by Hardaway – Off Notice

HB 3192 by Hardaway – Off Notice

HB 3444 by Rinks – Last Calendar

HB 3976 by U. Jones – Last Calendar

HB 3451 by Rinks – Summer Study

**Elections Subcommittee is Closed.**



*Chairman Pinion*

## The House Transportation Committee

convened April 1, 2008 to consider fifteen bills.

**HB2863** (Pinion) was taken off notice.

**HB2590** (Richardson), **HB2916** (West) and **HB2865** (Pinion) were deferred for one week.

**HB2893** (Gilmore) was deferred until July 4, 2009.

The following bills were referred to the **Finance, Ways and Means Committee**:



*Rep. Casada*

**HB2679** (Casada) – Creates a category of “medium speed vehicle”, and allows one to be operated at a rate not to exceed 35 miles per hour only on streets where the posted speed limit is 40 miles per hour or less. This bill would not prohibit a medium speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 40 miles

per hour. Any person operating a medium speed vehicle must have in possession a valid Class D driver license. The registration fee for a medium-speed vehicle would be \$9.50. Local government can prohibit a medium speed vehicle on any road under its jurisdiction if it determines that it is necessary in the interest of safety.

TDOT may also prohibit the operation of medium speed vehicles on any road under its jurisdiction if it determines that it is necessary in the interest of safety. An amendment was adopted to correct drafting errors in the bill.

**HB3449** (Rinks) – “SMSgt. Franklin R. Bledsoe Memorial Highway” highway signs on a segment of State Route 421 in Decatur and Hardin counties. An amendment was adopted to require Hardin County to pay for the signs.

**HJR909** (Maddox) – As amended, creates a special joint committee to study Tennessee’s transportation funding system.

**HB3233** (Shepard) – Increases punishment for second and third or subsequent violation of “move over” law and clarifies that “move over” violation that results in threat of injury or death can be punished as reckless endangerment, criminally negligent homicide, reckless homicide, or vehicular homicide. An amendment was adopted that removed the proposed Class E felony for reckless endangerment with a deadly weapon when the violation places or may place another in imminent danger of death or serious bodily injury.

**HB3610** (L. Turner) – As amended, authorizes issuance of disabled driver placards to agency providing motor vehicle rentals to disabled clients. The number of placards may not exceed the number of vehicles owned and operated for the purpose of providing motor vehicle rentals to disabled clients. Placards are only to be issued for vehicles permanently equipped with a wheelchair ramp or lift. Using a placard for any other purpose is grounds for forfeiture of the placard. A violation is punishable as a Class B misdemeanor with a fine only of \$200.

**HB3069** (McCord) – As amended, creates a procedure for issuing citations based on evidence from a traffic light signal monitoring system. The bill requires an employee of the applicable law enforcement agency to review video evidence from a traffic light signal monitoring system and make a determination as to whether a violation occurred. If a determination is made that a violation occurred, this bill requires that a notice of violation or citation be sent by first class mail to the registered owner of the vehicle. The notice or citation



*Rep. McCord*

must allow for payment within 30 days of mailing the notice or citation. No additional penalty or costs would be assessed for nonpayment unless a second notice is sent by first class mail to the registered owner of the vehicle and the second notice provides for an additional 30 days for payment. This bill exempts the following vehicles from receiving notice

of a violation: emergency vehicles with active emergency lights; vehicles moving through an intersection to clear the way for an emergency vehicle; vehicles under police escort; and vehicles in funeral processions. The registered owner of a vehicle would not be responsible for a violation if, on or before the court date, the owner furnishes the court an affidavit stating the name and address of the person or entity that leased, rented, or otherwise had care, custody, or control of the motor vehicle at the time of the violation. If a motor vehicle or its plates were stolen at the time of a violation, the registered owner would be required to provide an affidavit denying that the owner was an operator and provide a certified copy of the police report reflecting the theft.

**HB3854** (McCord) – As amended, requires that no state agency or any political subdivision of the state that installs, owns, operates, or maintains a traffic-control signal light in an intersection that employs a surveillance camera for the enforcement or monitoring of traffic violations shall reduce the time exposure of the yellow light at such intersection with the intended purpose of increasing the number of traffic violations.

**HB2937** (Harmon) – Requires the department of transportation to coordinate all financial resources that are provided for public transportation services and transportation services for populations needing specialized assistance (“transportation services”). Any state entity with authority to issue a grant or make an expenditure for transportation services in Tennessee would be required to coordinate with the department’s multimodal transportation resource division and obtain the commissioner’s written approval before issuing a

grant or making an expenditure. Any local entity that receives a direct federal or private grant for transportation services would be required to file a report with the department’s multimodal transportation resource division detailing the amount of the grant and purpose.

**HB2495** (Fincher) – Requires TDOT to implement a directional highway sign program for certain airports within 10 miles of the state interstate highway system. An amendment was adopted to narrow the bill that would essentially require signs for just one airport.

**HB3200** (Coleman) – As amended, requires when a court clerk receives certification that a court ordered driver’s education or improvement course has been completed, the court clerk must report the completion in the abstract of the court case record.

### **Public Safety & Rural Roads Subcommittee**

The **Public Safety & Rural Roads Subcommittee** met April 1, 2008 to consider nine bills.

**HB2626** (Hardaway) was referred to summer study.

**HB3113** (DuBois) and **HB3193** (Hardaway) were taken off notice.

The following bills were referred to the full **Transportation Committee**.

**HB3996** (Ferguson) – Lowers the initial cost of permanent disabled parking placards from \$21.50 to \$5.00.

**HB4080** (Ferguson) – Expands disabled veterans free vehicle registration and license plate provision to include any noncommercial vehicle with a GVWR of 9,500 pounds or less; and establishes free driver licenses for disabled veterans.

**HB4194** (Odom) – As amended, makes the following various changes in the Department of Revenue relative to motor vehicles:

- Deletes provision authorizing owners of dismantled vehicles to return certificates of registration and license plates to county clerks for refunds.
- Authorizes the Department of Revenue to illustrate less than ten specialty earmarked license plates in promotional materials included as part of registration renewals.
- Requires emergency medical personnel not affiliated with local rescue squads to

present current emergency medical license prior to receiving specialty emergency license plates under certain circumstances.

- Authorizes parents or legal guardians of disabled individuals to apply for and receive disabled license plates and disabled parking placards under certain circumstances.
- Makes multiple changes regarding motor vehicle registrations of proportionally registered fleets.
- Authorizes the Department of Revenue to contract with any business entity that maintains a fleet of 200 or more motor vehicles to allow such business entity to provide any specific service, or all services, normally performed by the Department or by a county clerk relative to the titling and the registration of otherwise qualified motor vehicles within the business entity's fleet of motor vehicles, and establishes rules for entering into such contracts.

**HB2656** (Hackworth) – Increases penalty for speeding in school zones to include a \$250 minimum fine.

**HB1656** (Casada) – As amended, allows the Department of Transportation to issue a “temporary trailer permit” to a trailer that is not subject to registration in Tennessee, used on Tennessee roads for no more than five days, and where it appears the proposed operation is actually temporary in nature. The fee for issuance is \$5.50.

**HB1543** (Pinion) – As amended, requires all motor vehicle registration tax revenue, except for portions earmarked for the Police Pay Supplement Fund, and fee revenue derived from the issuance of temporary operator permits be apportioned to the Highway Fund. The bill also requires all gasoline tax revenue which is currently apportioned to the General Fund be reapportioned to the Highway Fund. The bill also requires all interest earnings of the Highway Fund to remain part of the Highway Fund instead of reverting to the General Fund.

**The committee closed subject to the call of the chair.**

#### **Public Transportation & Highways Subcommittee**

The **Public Transportation & Highways Subcommittee** met on April 1, 2008 to consider eleven bills.

**HB3149** (Bone) and **HB2435** (Odom) were taken off notice.

The following bills were passed to the full **Transportation Committee**:

**HB3900** (Bone) – Authorizes Cannon County county legislative body to recommend to general assembly the names of individuals for whom state bridges in Cannon County should be named.

**HB2434** (Odom) – Requires that all nonprofit organizations for which new specialty earmarked license plates are issued on or after July 1, 2008, be certified for nonprofit status by the secretary of state prior to such plates' initial issuance and that any plate authorized for an organization that is not certified is deemed obsolete and invalid.

**HJR1027** (Rinks) – Names and designates “Commissioner Glenn Maness Memorial Bridge” on State Route 225 in McNairy County.

**HJR1054** (Favors) – “The Impressions Highway” highway signs on a segment of I-24 in Hamilton County.

**SJR675** (Shepard) – “Ben Hooper Petty Bridge” highway signs on a bridge spanning Garner's Creek on State Route 48 in Hickman County.

**HB3259** (Pinion) – Increases renewal fee for outdoor advertising permits from \$70.00 to \$75.00 for 2011 and thereafter.

**HJR1055** (Pinion) – Requests department of transportation to initiate pilot performance based maintenance project for state's transportation system

**HB2731** (Roach) – Authorizes issuance of Appalachian quilt trail new specialty earmarked license plates. The bill allocates 50 percent of funds derived from sale thereof to the Clinch-Powell resource conservation and development council for the Appalachian quilt trail development initiative.

**HJR1076** (Ford) – “James Lesley Isenberg Memorial Bridge” highway signs on a bridge spanning Cedar Creek on State Route 75 in Washington County.

**The committee closed subject to the call of the chair.**





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